

Docket No.: P1493US01

Patent Application

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark Allan Colbath

Entitled: A SYSTEM AND METHOD FOR COMMUNICATION OF STREAMING DATA

February 20, 2004

MS Patent Application  
Commissioner for Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Date of Deposit February 20, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Penny L. Flint

Signature

Dear Sir:

**REQUEST FOR FILING A NATIONAL PATENT APPLICATION**

Transmitted herewith for filing, please find the following:

- X  1. Specification, claims and abstract of the above-referenced patent application having  21  pages.
- X  2.  7  sheet(s) of drawing(s) (  Y  formal   informal) comprising Figures  1  through  9 .
- X  3A. Declaration (  X  signed   unsigned).
- X  3B. Power of Attorney (  X  signed   unsigned).
- 3C. No filing fee, Oath, or Declaration is enclosed pursuant to 37 C.F.R 1.53(d).
- 4. Information Disclosure Statement along with Form PTO-1449 and references.

- X   5. This is a:        Continuation-In-Part;        Divisional;   X   Continuation;        substitute Application (MPEP 201.09) of Application Serial No.        filed       ;        reissue of U.S. Patent No.        filed on       ;        Original;        Provisional.

An extension to extend the life of the above prior Application to at least the date of filing hereof

*(One box must be marked)*

(a)        is concurrently being filed in that prior Application,

(b)        was previously filed in that prior Application,

(c)   X   is not necessary for copendency.

- X   6. Attached is an assignment to **Gateway, Inc.** Please return the recorded assignment to the undersigned.

- X   7. Priority is claimed under 35 U.S.C. § 120, based on Application number 09/385,142 filed on August 27, 1999.

8. Attached:        (No.) verified statement(s) establishing "small entity" status under 37 CFR § 1.9 and 1.27.

- X   9. Attached:

  X   Return Postcards

       Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

10. Preliminary Amendment:

Prior to a first Office Action, kindly amend the Application as follows:

11. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.


					SMALL ENTITY RATE		LARGE ENTITY RATE		
BASIC FEE					\$385	<u>OR</u>	\$770	=	\$770
	NUMBER FILED			NUMBER EXTRA					
TOTAL CLAIMS	39	-20	=	19	\$9	<u>OR</u>	\$18	=	\$342
INDEP. CLAIMS	5	-3	=	2	\$43	<u>OR</u>	\$86	=	\$172
If any <u>proper</u> multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a <u>reissue</u> application.)					\$145	<u>OR</u>	\$290	=	\$0
If assignment is x'd (item 6), add recording fee \$40.00									\$0
Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130									\$0
<b>TOTAL FILING FEE</b>								=	<b>\$1,284.00</b>

- \_\_\_\_ 12. A check in the amount of \$\_\_\_ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0439.
- X 13. Please charge my Deposit Account No. 50-0439 in the amount of **\$1,284.00** to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.
- X 14. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 50-0439, for which purpose a duplicate copy of this sheet is attached. **The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.**

DATED: February 20, 2004.

Respectfully submitted,  
Gateway, Inc.,

By:

  
\_\_\_\_\_  
R. Christopher Rueppel  
Reg. No. 47,045

**CUSTOMER NO. 32709**

SCOTT C. RICHARDSON, ESQ.

GATEWAY, INC.

LAW DEPARTMENT, MS Y04

610 GATEWAY DRIVE

N. SIOUX CITY, SD 57049-2000

(605) 232-1967 TELEPHONE

(605) 232-2612 FACSIMILE